

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,)	
)	
Plaintiff,)	4:14CV3141
)	
v.)	
)	
YVONNE D. SOSA-GAYTON, TIM)	MEMORANDUM AND ORDER
BURNS, DOUGLAS COUNTY PUBLIC)	
DEFENDERS OFFICE, and JUDGE)	
CONIGLIA,)	
)	
Defendants.)	
_____)	

The above-captioned matter was provisionally filed on July 7, 2014 (Filing No. [1](#)). However, due to certain technical defects, the complaint cannot be further processed. To assure further consideration of the complaint, plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE COMPLAINT.**

Plaintiff has failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either tendering the \$400.00 fee to the clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof.¹ If plaintiff chooses to do the

¹ Plaintiff included in the caption of his complaint a request "to proceed in forma pauperis." (Filing No. [1 at CM/ECF p. 1.](#)) However, plaintiff's request does not comply with the provisions of 28 U.S.C. § 1915(a), which require a prisoner to submit "an affidavit that includes a statement of all assets such prisoner possesses." [28 U.S.C. § 1915\(a\)\(1\).](#)

latter, the enclosed pauper's forms should be completed and returned to this Court.

IT IS ORDERED:

1. Plaintiff is directed to correct the above-listed technical defect in the complaint within 30 days of the date of this memorandum and order.

2. Failure to comply with this memorandum and order will result in dismissal of this matter without further notice.

3. The clerk's office is directed to send to plaintiff the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

4. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: August 18, 2014: Check for MIFP or payment.

DATED this 15th day of July, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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